

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 11 2001
Returned to applicant for correction JUN 08 2001
Corrected application filed JUL 31 2001
Map filed AUG 01 2001

The applicant **LOEB ENTERPRISES, LLC** hereby makes application for permission to change the **PLACE OF USE AND MANNER OF USE OF A PORTION** of water heretofore appropriated under **CLAIMS 278 AND 352 OF THE TRUCKEE RIVER DECREE, SAID DECREE ENTERED IN THE DISTRICT COURT OF THE UNITED STATES FOR NEVADA IN THAT CERTAIN ACTION ENTITLED, "THE UNITED STATES OF AMERICA, PLAINTIFF vs. ORR WATER DITCH COMPANY, ET AL., DEFENDANTS," IN EQUITY DOCKET NO. A-3.**

1. The source of water is **TRUCKEE RIVER**
2. The amount of water to be changed **0.784 CFS NOT TO EXCEED 226.23 ACRE FEET ANNUALLY**
3. The water to be used for **RECREATION (GOLF COURSE IRRIGATION) AND DOMESTIC**
4. The water heretofore permitted for **AS DECREED**
5. The water is to be diverted at the following point **NE¼ SW¼ SECTION 17, T.19N., R.19E., M.D.B.&M., OR AT A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 17 BEARS S. 44° 40' W. A DISTANCE OF 3211.00 FEET (ORR DITCH).**
6. The existing permitted point of diversion is located within **(NO CHANGE)**
7. Proposed place of use **SEE EXHIBIT "A" ATTACHED HERETO.**
8. Existing place of use **SEE EXHIBIT "B" ATTACHED HERETO.**
9. Use will be from **JANUARY 1 to DECEMBER 31** of each year.
10. Use was permitted from **AS DECREED**
11. Description of proposed works **WATER WILL BE DIVERTED FROM ORR DITCH INTO EXISTING ON-SITE PONDS AND THEN PUMPED INTO EXISTING IRRIGATION DISTRIBUTION SYSTEM.**
12. Estimated cost of works **EXISTING**
13. Estimated time required to construct works **EXISTING**
14. Estimated time required to complete the application of water to beneficial use **TEN YEARS**
15. Remarks: **Water will be commingled with other water resources and used to irrigate**

Wingfield Springs Golf Courses and associated facilities. Claim #278 – 0.365 CFS and 88.04 acre feet Claim #352 – 0.419 cfs and 138.19 acre feet.

By ROBERT E. FIRTH
s/ Robert E. Firth
360 E. Riverview Circle
Reno, NV 89509

Compared cm/cmf ds/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claims 278 and 352, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 63.79 acres within the described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.780 cubic feet per second, but not to exceed 225.43 acre-feet annually, and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

December 28, 2003

Proof of completion of work shall be filed before:

January 28, 2004

Water must be placed to beneficial use on or before:

December 28, 2006

Proof of the application of water to beneficial use shall be filed on or before:

January 28, 2007

Map in support of proof of beneficial use shall be filed on or before:

January 28, 2007

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 28th day of, December A.D. 2001

Tracy Taylor

By: Deputy State Engineer, Tracy Taylor, P.E.

FEB 27 2004

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____

Issued _____

EXHIBIT "A"Proposed place of use

64.53 acres located within:

Sec. 13, T. 20N., R. 20 E., M.D.B.&M

NW 1/4 SW 1/4 - 9.97 acres

Government lot 3 - 9.55 acres

Sec. 14, T. 20N., R. 20E., M.D.B.&M

SW 1/4 NE 1/4 - 15.00 acres

Government lot 3 31.46 acres

Government lots 15-17 7.24 acres

Government lots 19-21 7.24 acres

Government lots 23-42 48.24 acres

Government lots 51,52 4.82 acres

Government lots 55-57 7.24 acres

Government lots 59-61 7.24 acres

Government lot 70 2.49 acres

Government lot 74 2.49

Total proposed place of use: 152.98 acres

Exhibit "B"Existing Place of useClaim #278

Section 1, T.19N., R.19E., M.D.B.&M

SE 1/4 SW 1/4 - 8.18 acres

SW 1/4 SE 1/4 - 12.80 acres

SE 1/4 SE 1/4 - 1.03 acres

Total 22.01 acres

Claim #352

Section 12, T.20N., R.20E., M.D.B.&M

NW 1/4 NW 1/4 - 4.10 acres

SW 1/4 NW 1/4 - 9.48 acres

SE 1/4 NW 1/4 - 4.60 acres

NW 1/4 SW 1/4 - 23.40 acres

NE 1/4 SW 1/4 - 0.40 acre

Total 41.98 acres